

Proposed Ordinance - #0-9-20  
Subject Matter: Chapter 10 – Alcoholic Beverages  
Date First Presented at Council Public Meeting: July 2, 2020  
Date of Public Hearing Before City Council: July 2, 2020  
Date of Second Reading and Adoption: July 16, 2020  
Date of Notice Published in Fayette County News: n/a

**CITY OF FAYETTEVILLE  
COUNTY OF FAYETTE  
STATE OF GEORGIA**

**ORDINANCE NUMBER 0-9-20  
CITY OF FAYETTEVILLE, GEORGIA**

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE, AMENDING THE  
CITY’S CODES OF ORDINANCES, CHAPTER 10, ALCOHOLIC  
BEVERAGES, TO PROVIDE AMENDMENTS TO QUALIFICATIONS FOR  
ISSUANCE OF MULTIPLE LICENSES FOR CERTAIN BUSINESS  
ESTABLISHMENTS, TO UPDATE DEFINITIONS, AND TO PERMIT AND  
REGULATE ALCOHOLIC FROZEN CONUMABLES**

**THE MAYOR AND CITY COUNCIL OF THE CITY OF FAYETTEVILLE,  
GEORGIA**

**ARTICLE ONE**

Section 10-31 (c) of the City’s Code of Ordinances is hereby amended in part by adding the double underlined (double underlined) language as follows:

*Unless located within an established Entertainment District, no licensee or licensees may hold both a license for on-premises consumption of alcoholic beverages and a license for off-premises consumption of alcoholic beverages at the same or for a single-licensed location except that a licensee may hold additional licenses issued pursuant to article VI of this chapter 10.*

**ARTICLE TWO**

Section 10-42 of the City’s Code of Ordinances is hereby amended in part by adding the double underlined (double underlined) language as follows:

*Licenses granted pursuant to this chapter are not transferable to another location. .  
Unless located within an established Entertainment District the same licensed premises may not be licensed for both on-premises and off-premises consumption.*

### ARTICLE THREE

Section 10-47(a) of the City's Code of Ordinances is hereby amended in part by adding the double underlined (double underlined) language as follows:

*(a) Sales under a license for sale for off-premises consumption of malt beverages and/or wine may be made only in a retail alcohol dealer (section 10-1), which maintain an inventory of food for human consumption at wholesale cost of at least \$10,000.00. Unless located within an established Entertainment District, no sales by-the-package or by-the-drink of distilled spirits, excluding fortified and kosher wines by-the-package, may be made in any retail alcohol dealer.*

### ARTICLE FOUR

Section 10-48A(c) of the City's Code of Ordinances is hereby amended in part by deleting the stricken (~~stricken~~) language and adding the double underlined (double underlined) language as follows:

*(c) Ancillary growler malt beverage tasting license. Within an established Entertainment District ~~the Main Street Historic District~~, the holder of a license for retail sale of malt beverages for off-premises consumption, with or without a retail wine license, whose primary retail purpose is to offer growlers for sale, shall be eligible for an ancillary growler malt beverage tasting license to provide samples of growler malt beverages offered for sale to customers under the following conditions*

### ARTICLE FIVE

Section 10-1 of the City's Code of Ordinances is hereby amended in part by deleting the stricken (~~stricken~~) language and adding the double underlined (double underlined) language as follows:

*Alcoholic frozen consumables means a frozen consumable that contains any measurable amount of ethyl alcohol, which is regulated by and in accordance with Georgia Department of Revenue Policy Bulletin ATD-2019-01.*

*Brown-bagging ~~establishments~~ means bring-your-own-bottle (BYOB) into establishments that may not hold a license to sell and may not sell or serve any alcoholic beverages. ~~Brown bagging establishments are prohibited in the City of Fayetteville.~~*

*Frozen consumables means ice cream, frozen yogurt, frozen custard, popsicles or other frozen consumable or edible products.*

*Microbrewery means a manufacturer of malt beverages for wholesale sales only, and producing less than 15,000 barrels annually. Microbreweries may conduct promotional tours and offer free samples of malt beverages in accordance with O.C.G.A. § 3-5-38, and offer retail sales in accordance with O.C.G.A. § 3-5-24.1.*

*Tap House means an establishment whose primary business is to sell premium, craft malt beverages and wines for on-premises consumption only.*

## **ARTICLE SIX**

Section 10-31 (b) of the City's Code of Ordinances is hereby amended in part by adding the double underlined (double underlined) language as follows:

*(15) Alcoholic frozen consumables*

*(16) BYOB*

## **ARTICLE SEVEN**

That a new section to be numbered Section 10-48B and titled "Alcoholic Frozen Consumables" is hereby added, which new section shall appear and read as follows:

*Sec. 10-48B. Alcoholic Frozen Consumables.*

- (a) A licensed establishment that makes alcoholic frozen consumables shall be permitted to sell, serve, and/or dispense alcoholic frozen consumables, provided that the establishment derives at least 50 percent of its total annual gross sales from the sale of nonalcoholic frozen consumables or food on the premises.*
- (b) Alcoholic frozen consumables may be carried and consumed within an established Entertainment District in accordance with the provisions of Sec. 10-5(b).*
- (c) Any establishment licensed under this section shall comply with all relevant and applicable provisions of this chapter.*

## **ARTICLE EIGHT**

Section 10-31 of the City's Code of Ordinances is hereby amended in part by adding the double underlined (double underlined) language as follows:

(d) License fees. License fees for the sale of malt beverages and/or wines for on-premises or off-premises consumption shall be established at \$1,000.00 for each type (i.e., malt beverage or wine) per license per year. License fees for the sale of distilled spirits for on-premises consumption shall be established at \$5,000.00 per license per year. License fee for a catered function shall be \$25.00 for beer and wine, and an additional \$25 for distilled spirits per event. License fee for a special event shall be \$1,000.00 per event. Ancillary tasting, alcoholic frozen consumables, and BYOB licenses shall be established at \$500.00 per year. Limited pour licenses shall be established at \$50.00 per year. All other license fees shall be \$1,000.00 per year. License fees shall be prorated for the number of months remaining in a year when the application is made in any month other than January. There shall be no license fee charged a vendor for alcoholic beverage service at a city sponsored event.

## **ARTICLE NINE**

Section 10-48 of the City's Code of Ordinances is hereby amended by deleting paragraph (e) *License Fees* in its entirety.

## **ARTICLE TEN**

Section 10-148 of the City's Code of Ordinances is hereby amended by deleting the stricken (~~stricken~~) language as follows:

*Sec. 10-148. - Licensed alcohol beverage caterers eligible for off-premises licenses; application; fee.*

- (a) Any licensed alcoholic beverage caterer, as defined in article I of this chapter 10, who holds a validly issued license from the City of Fayetteville for the retail sale of malt beverages or wine or distilled spirits by the drink for consumption on-premises may be issued an off-premises license which authorizes such licensed alcoholic beverage caterer to sell malt beverages and wine and distilled spirits by the drink off-premises and in connection with an authorized catered function.
- (b) Any licensed alcoholic beverage caterer seeking a license for sales of alcohol by the drink for an off-premises catered function shall submit an application, provided by the city, for such license. Each application shall state the certificate number of the alcohol license held by the applicant and shall contain all other information requested by the city.
- (c) All licenses issued pursuant to this article shall be valid for the approved term of the catered function.

~~(d) The applicant shall pay a license fee of \$25.00 for a license to sell beer and wine at an approved off premises Catered Function and an additional \$25.00 if distilled spirits are also served.~~

## ARTICLE ELEVEN

Section 10-48(b) of the City's Code of Ordinances is hereby amended in part by deleting the stricken (~~stricken~~) language and adding the double underlined (double underlined) language as follows:

*(b) Additional qualifications for on-premises consumption licenses.*

*(1) A license to sell alcoholic beverages for on-premises consumption may only be issued for the following types of businesses:*

- a. Restaurants (not including wine bars), cafes, or dining facilities serving the general public which derive no less than 60 percent of their gross sales from the sale of on-site prepared foods. Licensee's premises must ~~be furnished with tables and chairs sufficient to provide table seating for no less than 40 persons and meet~~ all prescribed safety standards set forth in city and state regulations and ordinances.*
- b. Wine bars serving the general public which derive no less than 20 percent of gross sales from the sale of ~~on-site prepared~~ foods. Of the total sales of all alcoholic beverages, the percentage of wine sales shall be no less than 75 percent. Licensee's premises must meet all prescribed safety standards set forth in city and state regulations and ordinances.*
- c. Bowling centers, billiard centers, gaming centers, golf clubs, event centers, or movie theaters serving the general public, ~~which provide recreational activities consisting predominantly of bowling, billiard, golf, rental space for group functions, or movie going~~ and which derive no more than 25 percent of their gross sales from sale of malt beverages and wine, only. Businesses described in this subsection 10-48(b)(1)~~b.c.~~ may not be licensed to serve distilled spirits. The licensee must comply with all prescribed safety standards set forth in city ordinances and state laws and regulations. ~~the following requirements and ordinances:~~*
  - ~~1. Licensee's premises must be furnished with a separate and segregated area dedicated exclusively to the selling, serving and consumption of on-site prepared food and wine and/or malt beverages for on-site consumption, which area must be furnished with tables and chairs sufficient to provide table seating for no less than 40 persons.~~
  - ~~2. Not serve distilled spirits.~~

~~3. Comply with all prescribed safety standards set forth in city ordinances and state laws and regulations.~~

d. Hotels, inns, and convention centers in hotels; said establishments will be granted licenses only for restaurants, cafes, or dining facilities within their immediate premises, and must derive no less than 60 percent of their gross sales from the sale of on-site prepared foods. Such on-site establishments ~~must be furnished with tables and chairs sufficient to provide table seating for no less than 40 persons~~ and shall meet all prescribed safety standards set forth in city and state regulations and ordinances. In-room bars stocked with alcoholic beverages and room service of alcoholic beverages is not allowed.

k. Tap Houses which derive no less than 20% of gross sales from the sale of food, and maintain minimums of thirty (30) active, malt beverage taps, and six (6) separate wine selections available for purchase by the glass.

(2) The city shall have the right to inspect those records and books of the licensee which are necessary to determine compliance with the regulations set out herein.

(3) As used herein, "bowling centers" shall mean a commercial building equipped with at least 20 American Bowling Congress (ABC)-sanctioned, tournament-size bowling lanes at which, for a fee, members of the public participate in the game of bowling.

(4) As used herein, "billiard centers" shall mean a commercial building equipped with at least 12 B.C.A.-sanctioned tournament-size pool tables at which, for a fee, members of the public participate in the game of pool.

(5) As used herein, "event center" shall mean a rental space for group functions such as, but not limited to, wedding parties, conferences, service club meetings, and similar gatherings, along with the catering of food and/or alcoholic beverages.

(6) As used herein, "golf club" shall mean a building associated with and contiguous to a Professional Golfers Association-sanctioned regulation golf course with at least 18 Professional Golfers Association-sanctioned regulation holes, at which members of the general public pay to participate in the game of golf, and in which a golf pro shop is located.

(7) As used herein, "movie theater" shall mean a commercial building equipped with screening rooms which, for a fee, members of the public participate in watching a movie.

(8) As used herein, "gaming centers" shall mean a licensed business offering any variety of recreational, league play activities including but not limited to duckpin bowling, cornhole and similar interactive, group games.

## ARTICLE TWELVE

That a new section to be numbered Section 10-7 and titled "Brownbagging: when BYOB is allowed." is hereby added, which new section shall appear and read as follows:

*Sec. 10-7. - Brownbagging; when BYOB is allowed.*

*It is prohibited for any person to bring in his own alcoholic beverage in any business establishment without regard to whether such establishment is licensed to serve alcoholic beverages except for the following specific exceptions:*

- (1) This section shall not prohibit any person dining at an eating establishment licensed to sell wine for consumption on the premises from bringing an unopened bottle of wine into said establishment for consumption where such eating establishment has a policy permitting same.*
- (2) This section shall not prohibit any person who is a patron of a business establishment which provides as its primary business art instruction, sewing and embroidery instruction, or cooking instruction from bringing one unopened bottle of wine into the establishment where: (a) the owners or their agents have a policy permitting a patron to bring an unopened bottle of wine into the business establishment for consumption on the premises by the patron; and (b) the business establishment is licensed for BYOB as required hereinafter.*
- (3) This section shall not prohibit any person who is a patron of a business establishment which provides as its primary business art instruction, sewing and embroidery instruction, or cooking instruction from bringing no more than two unopened 16-ounce containers of beer, or the equivalent, into the establishment where: (a) the owners or their agents have a policy permitting a patron to bring an unopened bottle of beer as described into the business establishment for consumption on the premises by the patron; and (b) the retail establishment is licensed for BYOB as required hereinafter.*
- (4) Any wine not consumed at a business establishment, as described in subsection (2) of this section, shall be disposed of at the premises and not carried out in an open container, unless the business establishment is able to reseal and repack the opened bottle of wine as required by O.C.G.A. § 3-6-4.*
- (5) Any beer opened and not consumed at a business establishment, as described in subsection (3) of this section, shall be disposed of at the premises and not carried out in an unsealed container.*
- (6) A business establishment, as described in subsections (2) and (3) of this section, BYOB licensed as required, may have available for its patrons use, either for a fee or not, glasses and openers for the patrons' use.*
- (7) A business establishment, as described in subsections (2) and (3) of this section, shall be a licensed business by the city and meet all application requirements for a BYOB*

*(beer and wine only) license and be governed by the ordinance provisions set forth in article II of this chapter. Further, such a business establishment so licensed shall not have any employee under the age of 18 working in the establishment and shall have an established closing time no later than 10:00 p.m.*

*(8) All applicable state laws and city ordinances, which address the use and serving of alcoholic beverages, shall apply to this section, unless otherwise specifically provided hereinabove.*

### **ARTICLE THIRTEEN**

Section 10-34 of the City's Code of Ordinances is hereby amended in part by deleting the stricken (~~stricken~~) language and adding the double underlined (double underlined) language as follows:

*(8) A \$300.00 application fee shall be paid by an applicant for any license designated at section 10-31(b), except that there is no application fee for a catered function for a one-time event by a city licensee for retail sales for on-premises consumption, and no application fee for a vendor serving alcoholic beverages at a city sponsored event, and no application fee for a limited pour or BYOB license.*

**BE IT RESOLVED**, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville

**SO RESOLVED**, this 16<sup>th</sup> Day of July, 2020

---

Edward J. Johnson, Jr., Mayor

Attest:

---

Anne Barksdale, City Clerk

---

Scott Stacy, Mayor Pro Tem

---

T. Joe Clark, Councilmember

---

Richard J. Hoffman, Councilmember

---

Darryl Langford, Councilmember

---

Paul C. Oddo, Jr., Councilmember